



Data Sharing Agreement

**Between the Arizona Department of Education, School Safety and Prevention
and**

Dr. Keith Zullig at West Virginia University

School Climate Study

This Data Sharing Agreement (Agreement) is made between the Arizona Department of Education (ADE), School Safety and Prevention Unit (SS&P) and Dr. Keith Zullig/West Virginia University. This Agreement is intended to follow U.S. Department of Education initiatives on Safeguarding Student Privacy (<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/safeguarding-student-privacy.pdf>) and FERPA and its implementing regulations.

RECITALS:

The Arizona Department of Education is a state educational agency, authorized to collect and maintain student educational records, student survey and incident data and to receive information from public educational agencies (PEAs) consistent with applicable state and federal laws and subject to the federal Family Educational Rights and Privacy Act (FERPA), as authorized by 20 U.S.C. § 1232g(b) and 34 CFR Part 99. Consistent with FERPA the Department may disclose Personally Identifiable Information (PII), as that term is defined by FERPA, from students' education records without prior parental or student consent to its authorized representatives for the purpose for audit, evaluation and compliance purposes, as those terms are defined by FERPA. The data shared under this agreement is to be used for no purpose other than research authorized under 34 CFR Section 99.31(a)(6).

Dr. Keith Zullig is the director of the PhD program in Public Health Sciences at West Virginia University and a valued School Climate Research Partner with the SS&P Unit at ADE. In the past, SS&P and Dr. Keith Zullig have collaborated to create a validated and reliable school climate survey tool. This survey is currently being administered in 61 schools as part of the Safe and Supportive Schools Grant that SS&P has been awarded by the US Department of Education. The purpose of this data share agreement is to share the survey data along with AIMS test scores, incident data, Free and Reduced Lunch and average daily attendance with Dr. Keith Zullig to continue a more in-depth school climate analysis. Dr. Zullig may require additional data and ADE can provide such additional elements upon agreement of the parties in writing. Data is currently being requested at the school level for the 2012 school year and will contain school level identifiers. While individual student records are not requested

it is possible that there could be cell counts of less than 10, in which students may become identifiable. Dr. Keith Zullig acknowledges that students may become personally identifiable by combining a number of factors and will be responsible for complying with the terms of this Agreement and FERPA.

TERMS AND CONDITIONS:

To affect the transfer of data and information that is subject to state and federal confidentiality laws and to ensure that the required confidentiality of personally identifiable information shall always be maintained, Dr. Keith Zullig agrees that, for the purposes of carrying out its duties under 13-06-ED, he will:

- a. Comply with the provisions of FERPA, 20 U.S.C. § 1232g, and 34 C.F.R. Part 99 and all applicable state laws regarding confidentiality of student data;
- b. Use the data provided under this Agreement for no other purpose than those described herein;
- c. Use reasonable technical, administrative and physical controls to protect the data provided under this Agreement from further disclosures and other uses, except as provided in 34 C.F.R. 99.35.
- d. Destroy or return to ADE the personally identifiable information provided under this agreement when the information is no longer needed for the purpose specified, and in no event later than June 30, 2016. Dr. Keith Zullig will provide ADE with a copy of the data file used in the analysis.
- e. Establish and follow procedures consistent with FERPA and Arizona law to ensure the protection of any and all PII provided under this Agreement. To effectuate the provision, Dr. Keith Zullig agrees:
 - i. That he must get permission from ADE to disclose data from ADE to other parties and only use the data for research purposes as described in this agreement. Dr. Zullig must notify SS&P in advance of any new project or research question he proposes to address.
 - ii. To comply with this Agreement, FERPA, and applicable Arizona law;
 - iii. Maintain all data received pursuant to this Agreement in a secure manner, separate from all other data files, and not copy, reproduce, or transmit data obtained pursuant to this Agreement except to its own agents acting for or on behalf of the ADE and as necessary to fulfill the purposes described herein;
 - iv. Not disclose data contained under the Agreement or addenda to it in any manner that could identify any individual student, except as authorized by FERPA;

- v. Not report data of a group of students of less than 10
 - vi. Permit SS&P to review documents prior to publication.
 - vii. Use methods to properly protect personally identifiable information reported in aggregate in accordance with the methods outlined by the National Center for Education Statistics. <http://nces.ed.gov/pubs2011/2011603.pdf>
- f. The is Agreement shall remain in effect until June 30, 2016 unless terminated, canceled or extended as provided herein. This Agreement is renewable upon written approval by the authorized representative of each party. This Agreement may only be amended by a writing signed by both parties.
- g. ADE may terminate this Agreement immediately and without notice if there is any violation of the terms of this Agreement.
- h. Notice under this Agreement shall be given to:
- Arizona Department of Education at:
- Rani Collins
Project Director: Safe and Supportive Schools Grant
School Safety and Prevention
1535 W. Jefferson Street, Bin 29
Phoenix, Arizona 85007
Rani.Collins@azed.gov
(602) 542-8728
- West Virginia University at:
- Keith J. Zullig, M.S.P.H., Ph.D.
Associate Professor & Interim Chair
Department of Social and Behavioral Sciences
Director, Ph.D. program in Public Health Sciences
West Virginia University School of Public Health
kzullig@hsc.wvu.edu
(304) 293-1091
- i. Notice is given of A.R.S. §§ 12-133, 12-1518 AND 38-511.

ARIZONA DEPARTMENT OF EDUCATION

By: Stacey Morley
Stacey Morley
Director
Government Relations and Policy Development
Date: 1/21/14

WEST VIRGINIA UNIVERSITY

By: Mark J. Zeff
Its: Chair, Department of Social and Behavioral Sciences
Date: 1/17/14